IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Haruo Oba et al.
Appl. No.: 09/696,927
Conf. No.: 4756
Filed: October 26, 2000
Title: AUTHENTICATION INFORMATION COMMUNICATION SYSTEM AND METHOD, PORTABLE INFORMATION PROCESSING DEVICE AND PROGRAM FURNISHING MEDIUM
Art Unit: 2136
Examiner: Pramila Parthasarathy
Docket No.: 112857-075

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

The present remarks are in response to the Office Action entered in the above-identified case and mailed on April 24, 2004. In the Office Action, claims 1-24 are rejected under 35 U.S.C. § 102(e) in view of U.S. Patent No. 6,580,356 ("Alt"). The office action further rejects claim 16 under 35 U.S.C. 103(a) as being unpatentable over Alt in combination with U.S. Patent 5,629,981 ("Nerlikar"). Applicants respectfully traverse.

Applicants turn first to claims 1 through 24 rejected under 35 U.S.C. § 102(e) as being anticipated by Alt. A claim is anticipated under §102 only if a single reference teaches every element of the claim. In the present case Alt fails to disclose every element of claims 1 through 24, and therefore the rejection under 35 U.S.C. §102(e) should be withdrawn.

Claims 1, 9, 17, 23, and 24 are the sole independent claims. All of the independent claims recite a variable data storage means or a step involving the variable data storage means. The variable data storage means utilizes a user variable ID to authenticate communication initiated by a service furnishing device in the form of a service ID. This allows a user of the system to interact with multiple service furnishing devices at various times and at different places.

According to the Examiner Alt teaches a variable storage means for holding variable user identification data corresponding to a service furnished by a service furnishing device in Fig. 6 element #64 and the corresponding description at column 12 lines 1-5. Additionally, it is the Examiner's contention that Alt teaches a fixed data storage means for memorizing fixed user identification data capable of identifying a user in Fig. 6 element #63 and the corresponding description at column 11 line 63 – Column 12 line 5. However, this is not the case. In Fig. 6 elements #63 and #64 describe a microprocessor and its memory. The memory described in Alt is a single memory component, as evidenced by the language of Alt, column 12 lines 1-5: "In this way, the body link system and the respective receiving or recipient identification/recognition system engage in a mutual exchange of information. The microprocessor has an associated memory." The only mention of memory components is the phrase "has an associated memory." Alt makes no mention whether the memory is fixed or variable.

Alt merely teaches a single memory component. Nowhere does Alt teach multiple or variable memory components. Alt teaches that only one "PIN number" be used in communications by a portable device with multiple service furnishing devices even if the services are distinct. Alt does not teach or suggest the use of multiple user IDs that are variably based on the service being provided. The examiner rejected the independent method claims, claims 17, 23, and 24, maintaining that Alt teaches a step involving the use of a variable data storage means. As mentioned above, Alt does not teach or even suggest a variable user identification data storage means. Accordingly, Alt necessarily does not teach a step of a method in which a variable storage means is involved.

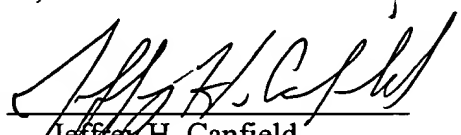
The closest Alt comes to teaching a variable data storage means is in column 12 lines 1-5 where he states that the microprocessor has an associated memory, which is displayed in Fig. 6. The memory component referred to in Alt is merely a fixed data storage unit that is incapable of variability when interacting with a identification system.

Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Alt in view of Nerlikar. While the examiner relies on the portability teaching of Nerlikar, the examiner fails to provide a teaching of a variable data storage means. Alt teaches only a fixed memory component. A fixed memory component alone cannot achieve the desired results of petitioners device. Because neither Nerlikar nor Alt teach a variable data storage means, petitioner must overcome the obviousness rejection of claim 16.

For these reasons, Applicant respectfully submits that the claims as presently amended are all in condition for allowance. Applicant therefore requests that the Examiner allow the claims move the application to issue. However, if there are any remaining issues the Examiner is encouraged to call Applicants' attorney, Jeffrey H. Canfield at (312) 807-4233 in order to facilitate a speedy disposition of the present case.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

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Dated: July 26, 2004

2136

TRANSMITTAL LETTER (General - Patent Pending)	Docket No. 112857-075

In Re Application Of: **Haruo Oba et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/696,927	10/26/2000	P. Parthasarathy	29175	2136	4756

Title: **AUTHENTICATION INFORMATION COMMUNICATION SYSTEM AND METHOD, PORTABLE INFORMATION PROCESSING DEVICE AND PROGRAM FURNISHING MEDIUM**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Response to Office Action (3 Pages); and Return Receipt Postcard.

in the above identified application.

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Signature

Dated: **July 26, 2004**

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I certify that this document and fee is being deposited on 7/26/04 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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